

Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V PRINTICE SMITH

Docket No. 278884

LC No. 06-000719-FC

Deborah A. Servitto
Presiding Judge

E. Thomas Fitzgerald

Pat M. Donofrio
Judges

In lieu of granting the delayed application for leave to appeal, pursuant to MCR 7.205(D)(2), the Court VACATES that portion of defendant's judgment of sentence assessing attorney fees and REMANDS the matter to the Ingham Circuit Court. The circuit court erred by ordering defendant to pay \$500 in court costs and \$500 in legal fees without first assessing his ability to pay those costs. *People v Dunbar*, 264 Mich App 240; 690 NW2d 476 (2004). On remand, the circuit court shall address defendant's current and future financial circumstances and foreseeable ability to reimburse the county for court costs and legal fees before determining whether he should pay those costs and fees.

In all other respects the delayed application for leave to appeal is DENIED on its merits.

This Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 27 2007

Date

Sandra Schultz Mengel
Chief Clerk